

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Tyler Warren Phillips

Case No. 23-mj-30389

Judge: Curtis Ivy, Jr.

Assign. Date : 9/26/2023

Description: CMP USA v PHILLIPS

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 09/24/2023-09/25/2023 in the county of Genesee in the
Eastern District of Michigan, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 2251(a);	Sexual exploitation of a minor;
18 U.S.C. § 2252A(a)(2); &	Distribution of child pornography; &
18 U.S.C. § 2252A(a)(5)	Possession of child pornography

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.


 Complainant's signature

Michael S. Wiggins, Special Agent-FBI
 Printed name and title

Sworn to before me and signed in my presence
 and/or by reliable electronic means.

Date: September 26, 2023City and state: Flint, Michigan



Judge's signature

Curtis Ivy, Jr., United States Magistrate Judge
 Printed name and title

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Michael S. Wiggins, being first duly sworn, state as follows:

INTRODUCTION

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI), United States Department of Justice (DOJ). I have been so employed since March 2004. I am currently assigned to the FBI's Detroit Division, Flint Resident Agency (FLRA) as the Coordinator and a member of the Northeast Michigan Trafficking and Exploitation Crimes Task Force (NEMTEC) which is a Federal Bureau of Investigation (FBI) managed task force. It is tasked with addressing Crimes Against Children and Human Trafficking threats in coordination and cooperation with its local and state partners. As part of my employment, I have received training in and been involved in investigations regarding human trafficking, exploitation of children, drug trafficking, money laundering, threats, financial crimes, crimes involving gang related activities, child pornography and other violations of federal law. I have been involved with several investigations regarding child pornography and the exploitation of children through the internet. I have observed and reviewed numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media.

2. This affidavit is made in support of an application for a criminal complaint and arrest warrant for Tyler Warren Phillips for violations of Title 18, United States Code, Sections 2251(a) (sexual exploitation of a minor), 2252A(a)(2) (distribution of child pornography), and 2252A(a)(5)(B) (possession of child pornography).

3. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information made available to me by other law enforcement professionals. These facts are provided for the sole purpose of establishing probable cause for the issuance of a criminal complaint and arrest warrant; therefore, this affidavit does not necessarily contain all information uncovered during this investigation. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause for an arrest warrant for Tyler Warren Phillips.

4. Pursuant to the provisions of Title 18, United States Code, section 2256, “child pornography,” as used in this affidavit, includes any visual depiction, including any photograph, film, video, picture, or computer generated image or picture of sexually explicit conduct where the production of the visual depiction involved the use of a minor engaging in sexually explicit conduct.

PROBABLE CAUSE

5. On September 25, 2023, Lieutenant (Lt.) Michael J. Sewall of the Winnebago, Wisconsin, County Sheriff's Office (WCSO), while acting in an online undercover capacity (UC), observed the content of a group chat on the Kik Messenger application that was dedicated to the distribution of child sexual abuse material (CSAM), whose name is known to law enforcement. Based on my training and experience, Kik Messenger is a social media application that is accessed via the internet. It allows users to, among other things, create accounts, chat with others in groups or individually, and send and receive images and videos that have been taken within the application or uploaded from an electronic device.

6. The UC saw a user, later identified as Tyler Warren Phillips, send an image and a video in the chat group. Phillips' username on Kik (the Subject Account) is known to law enforcement. The image posted by the Subject Account depicted what appeared to be a prepubescent female lying on her back with her vagina exposed. The video appeared to show an adult male performing oral sex on either a prepubescent female or male. The lighting in the video was such that it was difficult to determine the sex of the prepubescent individual.

7. The UC also located two live images sent by the Subject Account on September 24, 2023. One of the live images depicted an adult male with a prepubescent female sitting on his lap. The second live image was of the same

adult male sitting next to a prepubescent male. The images were determined to be live images based upon the “camera” moniker underneath the images. This means that the image was taken from within the Kik application prior to being sent. An image that is loaded from a device’s storage memory will not have the “camera” moniker. Based on a comparison with Phillips’ driver’s license image, the individual depicted in the live images appears to be Phillips.

8. During a subsequent private message conversation on Kik between the UC and Phillips using the Subject Account, Phillips indicated to the UC that he was “active” with prepubescent minors, and that the image and video described in paragraph 6 depicted those minors. Based on my training and experience, in this context, the term “active” is generally used to mean that the individual currently has access to children whom he sexually abuses. Phillips also stated that his name was Tyler, that he was from Michigan, and that he lived “by [F]lint”.

9. On September 25, 2023, WCSO personnel received subscriber information from Kik Messenger associated with the Subject Account. The response identified email address twphillips091016@gmail.com associated with the Subject Account and provided several Internet Protocol (IP) addresses used to access the Subject Account. A request for subscriber information was sent to Charter Communications for the most recent IP address associated with Subject Account. Charter Communications responded that the IP address resolved to a

customer service address at Phillips' registered address in Mount Morris, Michigan, in Genesee County (the Subject Residence). On September 25, 2023, FBI personnel observed Phillips at the Subject Residence in a vehicle with a license plate registered to Phillips.

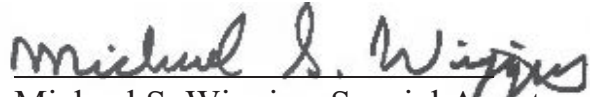
10. On September 25, 2023, law enforcement personnel obtained and executed search warrants for the Subject Residence and Phillips. Phillips told law enforcement personnel that he was the user of the Subject Account, that he had produced the image and video described in paragraph 6, and that he had sent the image and video to the group chat.

CONCLUSION

11. I respectfully submit that there is probable cause to believe that Tyler Warren Phillips violated Title 18, United States Code, Sections 2251(a), 2252A(a)(2), and 2252A(a)(5)(B). Wherefore by this affidavit and application, I

request that the Court authorize the issuance of a criminal complaint and arrest warrant for Tyler Warren Phillips.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Michael S. Wiggins", written over a horizontal line.

Michael S. Wiggins, Special Agent
Federal Bureau of Investigations

Subscribed and sworn to before me and/or by reliable electronic means on the 26th day of September 2023.

A handwritten signature in dark ink, appearing to read "C. Ivy", written over a horizontal line.

CURTIS IVY, JR.
UNITED STATES MAGISTRATE JUDGE